



Petition Number: 1412-SIT-17

Subject Site Address: 20481 Horton Road

Petitioner: Horvath Communications LLC by Clark, Quinn, Moses, Scott & Grahn, LLP

Request: Development Plan approval of a new wireless communication service facility.

Current Zoning: AG-SF1

Current Land Use: Single-Family Residential

Approximate Acreage: 6.19 acres+/-

Zoning History: 1411-SE-04 – Special Exception, *Approved 11/11/14*

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Elevations
5. Landscaping Plan

Staff Reviewer: Kevin M. Todd, AICP

PROCEDURAL

Approval of a Development Plan must be granted if the submitted plans demonstrate compliance with the terms of the underlying zoning district, subdivision control ordinance and/or applicable PUD District Ordinance, any variances associated with the site, and any commitments associated with the site.

PROJECT OVERVIEW

Property Location

The subject property is approximately 6.19 acres in size and is located on the east side of Horton Road, approximately 900 feet south of 206th Street (the "Property"). The Property is zoned Agriculture-Single Family-1 (AG-SF1). Adjacent property to the north is zoned Single-Family 5 (SF-5); adjacent property to the west is zoned AG-SF1; and adjacent property to the east and south is zoned Chatham Hills PUD. Adjacent property in all direction is either residentially used or is zoned to be residentially used in the future (i.e. Chatham Hills).



Project Description

In order to provide a certain level of wireless communication service within this area of Westfield, new antenna equipment is needed. There are no existing nearby co-location options that could accommodate the volume of equipment needed to affect the service level, so a new tower would be needed in order to install new equipment. The proposal is to install a new 175 feet tall monopole wireless communication tower and ancillary equipment building(s) on the Property. Proposed access to the tower and equipment would be within a private access and utility easement. The access drive would be an extension of the existing gravel drive, with direct access onto Horton Road.

The proposed site plan indicates space for up to four (4) concrete pads for equipment buildings. One of the pads is planned for an equipment building that would be approximately ten (10) feet in height and approximately 300 square-feet in area. The remaining pads would be for future use. The proposal indicates fencing and landscaping would be installed around the perimeter of the Property.

As proposed, the tower would be over 175 feet from any property line, which complies with the setback requirements of the Wireless Communication Service Facilities ordinance (Article 6.20). The tower would also be approximately 290 feet from the nearest building (which is the residential building on the Property).

Project History

Wireless Communication Service Facilities are not permitted by-right within the AG-SF1 zoning classification. On November 11, 2014, the Board of Zoning Appeals approved the petitioner's request to allow a Wireless Communication Service Facility on the Property (BZA Case No. 1411-SE-04) with the following conditions:

1. The tower be a monopole design;
2. The tower not exceed 175 feet in height; and,
3. The area around the tower be landscaped in a manner that is substantially similar to the submitted landscape plan

WESTFIELD UNIFIED DEVELOPMENT ORDINANCE

Zoning Districts (Chapter 4)

AG-SF1 District (Article 4.2)

1. Permitted Uses

Wireless Communication Service Facility, allowed by Special Exception 1411-SE-04 (approved 11/11/14)

Comment: COMPLIANT

2. Minimum Lot Area = 3 acres



Comment: COMPLIANT (6.19 acres+/-)

3. Minimum Lot Frontage = 250 feet

Comment: COMPLIANT (50 feet, but pre-existing, non-conforming)

4. Minimum Building Setback Lines

- a. Front Yard = 80 feet

Comment: COMPLIANT (478 feet)

- b. Side Yard = 30 feet

Comment: COMPLIANT (178 feet from north; 175 feet from south)

- c. Rear Yard = 30 feet

Comment: COMPLIANT (175 feet)

5. Minimum Lot Width = 100 feet

Comment: COMPLIANT (350+ feet)

6. Maximum Building Height = 2.5 stories

Comment: COMPLIANT (10 feet)

7. Minimum Living Area

Comment: Not Applicable

Overlay Districts (Chapter 5) – Not Applicable

Development Standards (Chapter 6)

Lot Standards (Article 6.10)

1. All Lots shall abut on a Street or Private Street and shall have a minimum Lot Frontage as set forth by the Zoning District or Overlay District.

Comment: COMPLIANT (pre-existing, non-conforming)

2. Residential Corner Lots shall be of sufficient width to permit appropriate Building Setback Lines and driveway setbacks from both Streets.

Comment: Not Applicable



Setback Standards (Article 6.16)

Comment: COMPLIANT

Vision Clearance Standards (Article 6.19)

Comment: COMPLIANT

Wireless Communication Service Facilities (Article 6.20)

8. The height of the antenna support structure shall not exceed two hundred (200) feet.

Comment: COMPLIANT (175 feet)

9. The antenna support structure shall be set back a minimum of forty (40) feet from the Lot Line, unless the adjoining Lot is zoned or used for a residential use. If the antenna support structure adjoins a Lot which is zoned or used for residential use, then the setback shall not be less than the height of the support structure.

Comment:

- North (Residential) = 125' required = **COMPLIANT** (178 feet)
- West (Residential) = 125' required = **COMPLIANT** (478 feet)
- East (Residential) = 125' required = **COMPLIANT** (175 feet)
- South (Residential) = 125' required = **COMPLIANT** (175 feet)

10. Except as required by the Federal Aviation Administration or Federal Communications Commission, the antenna support structure shall not be illuminated by any artificial means and shall not display strobe lights.

Comment: COMPLIANT

11. No Signs or advertising shall be placed upon an antenna support structure and associated equipment buildings or structures.

Comment: COMPLIANT

12. The support structure and any antenna located on the support structure must be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment.

Comment: COMPLIANT (monopole design)

13. All utility buildings and structures accessory to the antenna support structure must be architecturally designed to blend into the surrounding area.

Comment: COMPLIANT (The proposed prefabricated equipment shelter is not too dissimilar from what neighboring residential uses could have as accessory structures. From this perspective, the proposed equipment shelter blends with the surrounding area.)

14. A Landscape Plan for the Wireless Communication Service Facility shall be submitted with the application and shall be substantially similar to landscaping required for other uses in Business or Industrial Districts.

Comment: COMPLIANT (Landscaping plan complies with condition of BZA approval regarding landscaping and screening.)

15. All Wireless Communication Service Facilities shall be designed structurally, electrically, and in all other respects to accommodate the user's equipment and the equipment of at least two (2) additional service providers.

Comment: COMPLIANT

16. A qualified and licensed engineer must approve the design of the antenna support structure and certify that it is constructed to comply with the requirements set out in this Article.

Comment: Will be reviewed at time of permitting.

17. All applications shall include a notarized letter of intent committing the antenna support structure owner or lessee on behalf of themselves and their successors in interest that the antenna support structure shall be shared with additional users if the additional user(s) agrees to meet reasonable terms and conditions of shared use.

Comment: Will be reviewed at time of permitting.

18. No transmissions from a Wireless Communication Service Facility shall interfere with any existing public safety communications.

Comment: Acknowledged.



BOARD OF ZONING APPEALS CONDITIONS OF APPROVAL

1. The tower be a monopole design;
Comment: COMPLIANT
2. The tower not exceed 175 feet in height; and,
Comment: COMPLIANT
3. The area around the tower be landscaped in a manner that is substantially similar to the submitted landscape plan
Comment: COMPLIANT

STAFF RECOMMENDATION

If there is no public remonstrance at the Public Hearing on December 1, 2014, staff recommends approving 1412-SIT-17 as presented.